

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK



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AINSWORTH E. MORRIS

PLAINTIFF Pro Se

THIS is NOVEL CASE

CASE: No 18 CV 3845

- V -

COMPLAINT

DEFENDANTS

1 The NEW YORK GAMING COMMISSION  
One Broadway Center  
Schenectady, New York 12305

2 JAMES HASS  
C/O One Broadway Center  
Schenectady, New York 12305

3 ISABELLA POSS  
Batavia Downs  
8315 Park Road  
Batavia New York 14020

4 EDMUND C. BURNS Esq  
GENERAL COUNSEL  
New York State Gaming Commission  
One Broadway Center  
Schenectady, New York 12305

5 Miss Kelly Carver  
C/O General Counsel  
New York State Gaming Commission  
One Broadway Center  
Schenectady, New York 12305

6 Miss Michelle Barbetta  
C/O Genera Counsel  
New York State Gaming Commission  
One Broadway Center  
Schenectady, New York 12305

7 CAPITAL OFF TRACK BETTING  
510 Smith Street  
Schenectady, New York 12305

8 Miss, Sue Ginter  
C/O General Counsel  
New York State Gaming Commission  
One Broadway Center  
Schenectady, New York 12305 Racing

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3.

THE NEW YORK STATE GAMING COMMISSION, successor in interest to The NEW YORK State Racing and Wagering Board, James Hass, in his official and individual capacities, and as operations manager in Western Regional off Track Betting Corporation, Isabella Poss, in her official and individual capacities Manager Western off Track Betting Telephone Betting and BataviaBets, Kelly Carver, in her official and individual capacities, and as Legal Assistant Access Office. Sue Ginter, in her official and individual capacities and as Customer Service Manager, Mitchell Barbetta, in her official and individual capacities and as Access Officer. CapitalOtb Bet. Stronach Entertainment Group Webpayment. Americatab. Xpressbet. And Twinspires eBet Technologies, is in one of the same interchangeable and contain the same meaning with BataviaBets, Western Regional Off Track Betting is approved by N.Y.S. Gaming Commission. Plaintiff's as and for his COMPLAINT, upon information and belief alleges the following: Which is subject to Court's Ruling under 5 U.S.C. § 552 (a) (3) ET seq, et seq, et seq

4. Preliminary Statement

1. This lawsuit is grounded in Prima Facie, at first sight; on first appearance but subject to further evidence or information that entail Criminal Intent and fraud, Sham Races, Concealment of evidence, The inveiglement of Bets at restricted Site, Wire fraud, Mail fraud, Denial of Documents, The initial issue is whether Plaintiff's has a liberty interest, protected by the Due Process Clause. This is an action remedy violations of the Rights of Plaintiff's under NYS of statutes in conjunction with Federal Laws and Statutes of the Constitution that are basis of the Claims, if applicable. This is Civil Rights Action and with criminal

application of intent. In the initial stages false advertising is misleading;  
Additional civil penalty for consumer frauds against elderly person.

2. This is a civil action for monetary damages in the amount of Dollars relief, and further specified below, for violations of Plaintiff's due process rights, pursuant to 42 U.S.C. § 1983 et sic ulterius ("Section 1983") and in 14th Amendment one in the U.S. Constitution one in the U.S. Constitution of 5th Amendment; and for prima facie base upon, statute of triple damages under Rico Act, in Conjunction with name defendants, 42 U.S. CODE Section 1985. Intentional Infliction of Emotional Distress; ("Plaintiff's is a Senior Citizens and Disabled") Whereas Plaintiff's ask for information and evidence and was improperly denied document illegally as a result Plaintiff's file this lawsuit, which is correlative to Section 5 USC 552 and the Due Process Clause in it's application to federal statute, in furtherance of the allegations; Plaintiff's will assert the following Statutes, Codes, Acts and of the Constitution as applicable. One such is the RICO ACT assimilated or morphed by reference, 18 U.S. Code § 1961 and 1962, 42 U.S. Code §2000e by Definitions: (a) The term "Person" include one or more individuals; (b) The term "Employer" means a person engaged in an industry affecting Commerce who has fifteen or more employees (g) The term "Commerce" means trade, traffic, commerce, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, (h) The term "industry affecting commerce" means ANY activity, business, or industry in COMMERCE. (i) The term "State" includes a State of the United States, the District of Columbia, The Plaintiff's is an License Better to do "Business" with Batavia Bets, there after Plaintiff's account was "Cancelled" by Miss. Poss, without any apparent reason, which triggers Due process Clause, Plaintiff's "Proprietary interest" means an economic and non-regulatory interest at risk in the financial success of the Gaming facility; that could be adversely affected by Labor-Management conflict under the Commerce Clause. Thereafter, Plaintiff's took his business Capital Bets To the Honorable Jurist, without being presumptuous, is the Racing Industry Commerce? Special Note: Whichever way you Honorable Gentlemen or Ladies may Rule is not Fatal to Plaintiff's case; the only difference is in the statute for damages, under New York Gaming Laws, and Federal Laws.

2.

Title 42§ 1985, 18 U.S.C. 242, 28 U.S. Code 1343 Title 15 Commerce and Trade, Interstate Horse Racing; § 5383 which signify in addition; more implication and Title 31, U.S.C. Internet Gambling; One of such offenses is the enterprise corruption violation of federal law consists of a violation of 18 U.S.C. 371, § 7201 where the object of the conspiracy is to attempt in any manner to evade or defeat any federal income tax or the payment thereof, or a violation of 26 U.S.C. and NYS tax electronically was transferred in same manner the fraud was committed by wired fraud made by interpolation act rues did obtain and attempt to obtain (tangible or intangible property) the property of (Plaintiff's a victim with connection to commerce) defined in Title 18 U.S.C, § 1951; and the equal protection of laws, it would seems to Plaintiff's; that Title 15 U.S.C. of the



Commerce Clause give more Protection of Horses than Human Being see, § 1821 (1) (2) (3) (A) (B) (D) (4) even gambling device on Horses falls within the boundaries of any State or possession of United States.

And Title 4 § 112 est. est. Compacts between States for cooperation in prevention of crime; (consent of Congress), thus Capital OTB and BataviaDownsBET the District of Columbia are entwined as an associate with knowledge of their deed. or Actus reus.

3. Jurisdiction of the United States District Court and Venue

4.

Claims arising from the U.S. Constitution or federal statutes Claims in which all but three of the opposing parties live in different states and or headquarters'; in other states the amount in controversy exceeds \$75,000 seventy five thousand Dollars (diversity jurisdiction). 28 U.S.C.A. § 1331. This statute provides that federal district courts have "original jurisdiction" of all civil actions arising under the constitution, laws, or treaties of the United States.

5. Venue is proper is this action pursuant to 28 U.S.C. § 139 (e) in that at least the Plaintiff resides in the Western District of New York. Particular Due Process, that this Court's would see fit to exercised Ancillary Jurisdiction authority over all persons and things within its territory; along with the concept of Pendent Jurisdiction in the Supplemental Jurisdiction Statute 28 U.S.C.A. § 1367 and concurrently.

## PARTIES

Plaintiff's Ainsworth E. Morris, Pro Se  
450 Jefferson Avenue, Apt 331  
Buffalo N.Y. 14204

## DEFENDANT

6. Miss. Kelly Carver, Plaintiff's resent your sarcasm has no place in legal jargon or writing, you broke the law, acting under color of official state law, and violated Plaintiff's constitutional Rights and civil Rights which tantamount to Due Process of law; for the denial of documents which is contrary §84, 85, 86, 87 and 89 of the public officer law, Article 6. Special Note: Plaintiff's therefore invoke § 89 (f) and (g) as it deals with "EXCEPTION" analogous is that of property; which is a fundamental in question; is Plaintiff's right to conduct business free from threats and invective and innuendoes to make decisions free from outside pressure wrongfully imposed. Thus 18 U.S.C. § 1951 (b) (2) and 5 U.S.C. 552(a) (3) and 5 C.F.R. §294. 108 and State's statute and laws which mirrors Federal law. One of the offenses consists of a violation of 18 U.S.C. . . .

## DEFENDANTS

6 Miss. Sue Ginter, Miss Michelle Barbetta and Miss. Isabella Poss: The named defendants collectively or individually in accord did an unlawful act;

misappropriation by the offenders to his/her own use on purpose to enrich themselves of monies, taking from Plaintiff's Personal account, Plaintiff's does not have knowledge whom the embezzler is; the result taking of personal property and fraudulent conversion has been made. Whiling at length; Defendant Mss. Sue Ginter did send to Plaintiff's a partial refund of \$77.00 Dollars for the overdraft fees which the account generated, after the aftermath, which was more fees for the Bank, thereafter Plaintiff's threaten to Sue the Bank and Capital Off-Track Betting Corporation, The Gaming Commission, the Bank did not take too kindly to such a threat. The elements of their Actions is Wire Fraud under 18 U.S.C. §1343 directly parallel those of the mail fraud statute, but require the use of an interstate telephone call or electronic communication made in furtherance of the Scheme, Wire fraud is the use an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity, is identical to mail fraud statute except that it speaks of communications transmitted by wire. The Codes, Statutes, and Provisions of laws as quoted, are Cumulative and Supplements, to case at bar and the dilatory tactics employ by defendants is also cumulative of Mr. James Hass sent Dated 1/13/2018 give rise to Plaintiff's own research and investigation.

7. The four essential elements of the crime of wire fraud are:
8. (1) that the defendant voluntarily and intentionally devised or participated in a scheme to defraud another out of money
9. (2) that the defendant did so with the intent to defraud
10. (3) that it was reasonably foreseeable that interstate wire communication would be used; and
11. (4) that interstate wire communication were in fact used
12. Upon further review of my account I found widespread fraud in my betting handled, I failed to see how nobody see nothing hear nothing
13. Thus, Plaintiff's Invoked Title 42 U.S.C.A. §1983. Civil action for deprivation of rights under the 14 Amendment and 18 U.S. Code § 242 Deprivation of rights under color of law. The only Difference is in words 42 U.S.C.A. 1983 "Every Person" and 18 U.S.C.242 "Whoever, under color of any law" which is analogous.
14. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the Deprivation of any Rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the Party injured in an Action at law, suit in equity or other proper proceeding for Redress.
15. Miss. Isabella Poss.: Whoever, without authority, alters or attempts to forge or uses such exhibit with intent unlawfully



Possesses or knowingly uses any such altered changed forged document with intent to manipulate the Racing Result, is guilty of a Felony. Under 28 U.S. Code § 1343, done in furtherance of any Conspiracy mentioned in § 1985 of Title 42 which they had knowledge were about to occur and having power to prevent or aid in preventing the commission of same, neglects or refuses so to do, if such wrongful act, be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act § 1986 Action for to Prevent. 18 public laws


18 U.S. Code § 2071 Concealment, removal or mutilation of evidence under 1. 15 U.S. Code § 78r- Liability for Misleading Statements (a) Persons liable; person entitled to recover. For Intrinsic Fraud is an intentionally false representation that Plaintiff's had won monies on his account and same true of flip side of the account, upon Plaintiff's own initiative he took a closer look at his Race Track, activities and discover they were selling Sham Races. Mr. James Hass, manager in western regional off track betting corporation were aware of Plaintiff's complain, which he informed in confidence that what was happening in the Racing Industry. Plaintiff's was surprise he did not get back to him. In furtherance of their Scheme they Surreptitiously hide document from the Plaintiff's and "FACT THEY WERE SELLING BETS TO PLAINTIFF'S IN WASHINGTON DISTRICT OF COLUMBIA, WHICH WAS DONE UNWITTINGLY BY PLAINTIFF'S to his DETRIMENT. Is grounded in both Federal law and State law as being illegal and unlawful and by the New York State Gaming Commission

19 See: Regulation of Lawful Internet Gambling  
One of the offenses consists of violation of 18 U.S.C. 331, Article 1 § 5 where the object of the conspiracy is to attempt in any manner to evade or defeat any Federal Income Tax or the payment thereof, to the State are a violation. . Does the New York Gaming Commission have a fiduciary duty and care in upholding the laws of the constitution and integrity of the sport conservatively we bet over \$10. Billion Dollars per year and employed over 450, 000 is time we get rid fictitious race President Donald Trump would say Fake Race. They have new name for it's called "Compact"; which is undefined.

#### IN CONCLUSION

I AINSWORTH E. MORRIS Pro Se"

This Lawsuit is grounded in Prima Facie, at first sight; on first appearance but subject to further evidence or information that entail Criminal Intent et seq.



Respectfully Submitted above Document March, /27/2018

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

2 Niagara Square  
Buffalo, NY 14202